

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES MENDES,
Plaintiff,

CIVIL ACTION
NO: 05-10912-DPW

VS.

UNITED STATES OF AMERICA,
Defendants.

JOINT MOTION TO FURTHER EXTEND THE DEADLINES SET FORTH IN
THE JOINT SCHEDULING STATEMENT

Now come the parties, by and through their respective attorneys, and respectfully move this Honorable Court to further extend the deadlines set forth in the Joint Scheduling Statement, which was adopted by this Honorable Court on August 23, 2005 and subsequently extended on February 17, 2006 at the parties' request, by an additional two (2) months. As grounds in support of this Motion the parties submit the following for the Court's consideration.

1. The parties filed a joint motion requesting that the deadlines contained in the Joint Scheduling Statement be extended by two (2) months on February 17, 2006. As grounds in support, the parties reported that the plaintiff was scheduled to have incident-related surgery to his right wrist in the beginning of March 2006 and, as a result of his ongoing treatment, they were unable to complete their expert disclosures and discovery.
2. The plaintiff did not undergo surgery until March 23, 2006, 2006, and has recently started a two (2) occupational therapy program ordered by his treating orthopedic surgeon.

3. Additionally, plaintiff's counsel is currently on maternity leave and is not scheduled to return to the office until May 1, 2006 at the earliest.
4. An additional two (2) months will provide the parties with an opportunity to evaluate the plaintiff's medical condition, including the nature and extent of the injuries he sustained as a result of the incident, after he completes occupational therapy. This will allow the parties to properly complete their expert disclosures and discovery prior to trial.

WHEREFORE, the parties pray that this Honorable Court further extend the deadlines set forth in the Joint Scheduling Statement by an additional two (2) months and adopt the following schedule by the allowance of this Motion.

Designation of Plaintiff's Expert Testimony by or before:	June 23, 2006
Designation of Defendant's Expert Testimony by or before:	July 21, 2006
Status Conference:	August 15, 2006
Completion of all Discovery by or before:	August 25, 2006
Dispositive Motions by or before:	September 22, 2006

Respectfully submitted,

FOR THE CHARLES MENDES

"/s/Carolyn M. Latti"_____
Carolyn Latti, Esq.
BBO NO: 567394
LATTI & ANDERSON, LLP
30-31 Union Wharf
Boston, MA 02109
(617) 523-1000

FOR THE UNITED STATES OF AMERICA

Michael J. Sullivan
United States Attorney

Damon C. Miller
Admiralty Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 14271
Washington, D.C. 20044-4271
(202) 616-4047

ATTORNEYS FOR THE UNITED STATES

By: "/s/Thomas J. Muzyka"_____
Thomas J. Muzyka
BBO NO: 365540
CLINTON & MUZYKA, P.C.
One Washington Mall
Suite 1400
Boston, MA 02108
(617) 723-9165

**OF COUNSEL TO THE UNITED STATES OF
AMERICA**

Dated: April 24, 2006